THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6009 of 2006

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Dated:27.03.2006

Between:

Maruthi Nagar Colony Welfare Association.

..... PETITIONER

AND

The District Collector, Hyderabad District, Nampally, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.6009 of 2006

ORDER:

Maruthi Nagar Colony Welfare Association filed the instant writ petition praying for a writ of mandamus declaring the action of the respondents in demolishing the structures existing on the land in Survey Nos.123 to 126 of Lalaguda Village, Marredpalli Mandal, Secunderabad, and evicting the members of the petitioner-Association as illegal and arbitrary.

It is the case of the petitioner-Association that several individuals purchased small extents of land in Survey Nos.123 to 126 of Lalaguda Village and all such

purchasers formed into an Association-the petitioner herein. When there was an attempt by the respondents to evict the members of the petitioner-Association, they filed a writ petition, being W.P.No.9083 of 2000 seeking to restrain the Officials from evicting the occupants. The said writ petition was disposed of by this Court by a common order dated 01.08.2003 directing the revenue authorities to take action within a period of four months. Aggrieved thereby, the petitioner herein filed W.A.No.1195 of 2004. The same was allowed by the Division Bench of this Court on 03.08.2004, observing that the occupants of the land cannot be evicted by resorting to summary proceedings under the Andhra Pradesh Land Encroachment Act, 1905. It is alleged that the Mandal Revenue Officer is openly proclaiming that the occupants will be evicted on 24.03.2006.

The learned Counsel for the petitioner, Sri B.V.Subbaiah, vehemently contends that as observed by the Division Bench in W.A.No.1195 of 2004 and batch, the Government is precluded from resorting to summary proceedings, and that if the land in occupation of the members of the petitioner-Association is allegedly Government land, the only remedy available to the Government is to approach the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, or file a suit in the civil Court. The Mandal Revenue Officer cannot, therefore, highhandedly evict the occupants from the land.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (General), Sri Surya Kiran, submits that the first respondent herein has preferred Special Leave Petitions before the Supreme Court, that the Apex Court while issuing notice on the application for condonation of delay, ordered *status quo* with regard to construction. According to the learned Assistant Government Pleader, in spite of the orders of *status quo*, many of the members of the petitioner-Association are raising new structures, which is not permissible.

Learned Counsel for the petitioner does not dispute that having regard to the orders of *status quo* granted by the Supreme Court on 10.03.2006 (a copy of the order of the Supreme Court is placed before this Court), the members of the petitioner-Association cannot raise any further construction. It does not, however, mean that the respondents can demolish the existing structures. The Court finds force in the submission. The orders of *status quo* with regard to construction, no doubt, prohibit the construction by anybody in the land comprised in Survey Nos.123 to 126. The same does not, however, mean that in the guise of the orders of *status quo*, the respondents herein can highhandedly demolish the existing structures.

Therefore, the Writ Petition is disposed of at the admission stage observing that respondent Nos.1 and 2 have to maintain *status quo* till the matter is decided by the Supreme Court. There shall be an order accordingly. No costs.

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(V.V.S.RAO, J)

27.03.2006

vs